

Article 7. Special Uses.

16-701 INTENT. Any of the following uses may be located in any district by special use permit of the City Council of the City of Gardner, Kansas, after public hearing, notification of adjacent and abutting property owners, and after recommendation of the Planning Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this Ordinance and shall comply with the height and area regulations of the district in which they may be located.

701.1 USES. Unless otherwise granted by the appropriate zoning district regulations, none of the following uses shall be located in any district without a special use permit.

- A. Adult Uses.
- B. Amusement parks, privately owned baseball or athletic fields, race tracks.
- C. Aviation fields or airports, under such restrictions as the Council may impose on land, buildings, or structures within an approach or transition plane or turn zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards.
- D. Cemeteries, mausoleums, or crematories for the disposal of the dead.
- E. Chemical and Fertilizer manufacturing and storage.
- F. Clubs, private, where alcoholic beverages are consumed on the premises.
- G. Concrete and Asphalt plants.
- H. Drive-in theaters.
- I. Golf driving ranges, commercial or illuminated.
- J. Grain Processing.
- K. Gun clubs, skeet shoots, or target ranges.
- L. Hospitals or penal or correctional institutions.
- M. Camping areas, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only.
- N. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials, provided, however, that no permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the Council, which permit shall be for a limited period of time not to exceed five (5) years.

- O. Nursery sales office, building, greenhouse, or area (wholesale or retail).
- P. Nursing and convalescent homes.
- Q. Repealed by Ordinance Number 1912, Section 4, February 16, 1998.
- R. Package liquor sales.
- S. Radio, television and micro wave towers over sixty feet (60') in height.
- T. Refuse dumps.
- U. Reservoirs, towers, filter beds, or water treatment plants.
- V. Riding stables and tracks.
- W. Sewage, refuse, garbage disposal plants or sanitary fills.
- X. Steel mills and foundries.
- Y. Hotels and Motels.
- Z. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council deems reasonably necessary public convenience or welfare (excluding offices).
- AA. Temporary use of land for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated, shall be by temporary building permit, and any stored equipment for material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two (2) years, but may be renewable after public hearing.
- BB. Assembly halls.
- CC. Group Care Centers for children under ten years of age not allowed in the home occupation section including pre-schools and private kindergartens.
- DD. Keeping of horses, ponies, cows or chickens on less than three acres.
- EE. Off-street parking lots or structures of a temporary or permanent nature.

16-702 SHORT TERM SPECIAL USES. The chief building inspector may, upon application, issue a short-term special use permit for the use of a specified parcel of land for the following temporary short term uses:

- A. Carnivals, circuses, fairs, and special events;
- B. Christmas tree sales;

- C. Religious tent meetings;
- D. Concession sales, including crafts;
- E. Season sale of farm produce;
- F. Commercial tent sales or sidewalk sales;
- G. Exhibits for high technology products;
- H. Garage sales in excess of three days per calendar year

702.1 PROCEDURE. Such short-term special use permit may be issued without publication or posted notice and without referral to the Planning Commission if the following conditions are met:

- A. That the applicant submit an application containing:
 - 1. A description of the land proposed to be used.
 - 2. Written permission from the owner of the property, if not owner/applicant.
 - 3. A site plan showing setbacks, property lines and adjoining structures and the proposed location of the temporary special use.
 - 4. A description of the proposed use.
 - 5. Hours of operation.
 - 6. Estimates of accumulated automobiles and persons per hour.
 - 7. Proposed sanitary facilities.
 - 8. Proposed parking facilities.
 - 9. Health inspection certificate where applicable
- B. That such proposed use shall be only located on property zoned A, C-1, C-2, C-3, M-1 and M-2, except that garage sales may be located in zones R-1, R-2, R-3 and R-4.
- C. That temporary structures erected must be set back from the street right-of-way at least thirty (30) feet, where applicable.
- D. That such proposed use not be operated after 12:00 midnight and before 8:00 a.m.
- E. That such proposed use not be located closer than fifty (50) feet from property zoned residential, where applicable.
- F. That the location of any proposed driveway entrance not create a traffic hazard.

- G. That the proposed site contain adequate parking. Adequate parking shall be determined on the basis of one parking space per four estimated people attending per hour.
- H. That the proposed site contain adequate sanitation facilities. Adequate sanitary facilities shall be determined on the basis of one temporary restroom facility per 100 estimated people in attendance per hour; provided however, that no sanitary facilities shall be required for Christmas tree sales lots or seasonal sale of farm produce.
- I. That the term of the permit shall be as follows:
 - 1. Carnivals, circuses and fairs - not to exceed 7 days
 - 2. Christmas tree sales - not to exceed 60 days
 - 3. Religious tent meetings - not to exceed 7 days
 - 4. Concession sales, including crafts - not to exceed 7 days
 - 5. Season sale of farm produce - not to exceed 5 months
 - 6. Commercial tent sales or sidewalk sales - not to exceed 7 days
 - 7. Exhibits for high technology products - not to exceed 7 days
- J. Upon the cessation of the short-term special use permit, all materials, equipment and signs shall be promptly removed and the property restored to its normal conditions.
- K. Carnivals, circuses and fairs shall also provide a certificate of insurance in an amount as established by the Governing Body by Resolution with the City of Gardner named as an additional insured. (Ord. 2019, Sec. 1)
- L. A fee, as established by the Governing Body by Resolution, shall be charged each applicant for a short-term special use permit. Only one fee will be required for carnivals, circuses or fairs. (Ord. 2019, Sec. 1)
- M. The Codes Administrator may allow variances in some instances, provided however, that the allowed variances do not violate the intents and purposes of the short-term special use regulations.